IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5197 OF 2005
WITH
CRIMINAL APPLICATION NO.5198 OF 2005
WITH
CRIMINAL APPLICATION NO.5422 OF 2005

Shri.Praful Kantilal Rokadia ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr.A.H.H.Ponda Advocate for Applicant
Mr.B.H.Mehta A.P.P. for the State in
Cri.Appl.No.5197 of 2005.
Mr.Rajesh More A.P.P. for State in
Cri.Appl.No.5198 of 2005
Mr.R.S.Khadapkar A.P.P. for State in
Cri.Appl.No.5442 of 2005
None for Respondent no.2 though served.

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 14,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State in all the three matters. None appears for the respondent no.2-original complainant though served. Copy of acknowledgement in respect of service on respondent no.2-original complainant is taken on record and

marked ‘X’ for identification.

2. The applicant is seeking quashing of process issued by the learned Special Magistrate, Small Causes Court Mumbai in Case Nos.1694/SS/2005, 1693/SS/2005 and 568/S/2002. In the said cases process was issued against the applicant under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the

applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

7. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]